

**Ringgold v. Black Entm't Television, Inc.,
126 F.3d 70 (2d Cir. 1997)**

Year	1997
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Faith Ringgold complained that defendants Black Entertainment Television, Inc. and Home Box Office, Inc. infringed her copyright by using a poster depicting her <i>Church Picnic Story Quilt (Church Picnic)</i> in a set designed for a sitcom television series that aired on their networks. <i>Church Picnic</i> is a “silk screen on silk quilt” painting that depicts the thoughts of a parishioner at a 1909 Sunday school picnic held by the Freedom Baptist Church in Atlanta, Georgia. The actual work is owned by The High Museum of Art in Atlanta, to which plaintiff granted a non-exclusive license to reproduce <i>Church Picnic</i> as a poster. In the television episode at issue, the poster appears several times in a church scene where characters are waiting for a recital. Plaintiff appealed the district court’s ruling that including the poster in the set design without permission was fair use.
Issue	Whether defendants’ unauthorized use of a poster depicting plaintiff’s work to decorate a television set constituted fair use.
Holding	Reversing the district court, the court of appeals ruled that defendants’ use of the poster depicting plaintiff’s work was not fair use. The appeals court criticized the district court’s flawed analysis of the impact on the market for the work, saying it wrongly required plaintiff to show actual harm, such as a drop in licensing requests, where she was only required to identify a traditional, reasonable or likely-to-be-developed market for licensing her work. For its analysis, the appeals court determined that defendants’ use was not transformative since the work was used in the manner that plaintiff originally intended—as decorative art work. The court further found that defendants’ use could have a substantially adverse impact on the potential market for the original work, especially given that plaintiff presented evidence of the existence of a market for the exact use at issue, licensing the work as a poster for dressing set designs.
Tags	Second Circuit; Film/Audiovisual; Painting/Drawing/Graphic; Photograph
Outcome	Fair use not found

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